

REMARKS

Claims 1-22 are currently pending in this application. By this Amendment, claim 10 has been amended, claims 9, 12-13 and 16-19 has been cancelled, and claims 23-27 have been added as new claims.

This amendment has been filed concurrently with a Request for Continued Examination and a Petition To Revive an Unintentionally Abandoned Application.

Claims 14-15 and 20-22 have been indicated as allowed.

Applicants have cancelled claim 9, thereby rendering the § 112 rejection moot.

Claims 1-8 have been rejected under 35 USC 103(a) as being unpatentable over Thiel (US Patent No. 4,887,211) in view of Rodriguez (US Publication No. 2002/0154146A1). The Office Action indicates that Thiel discloses all of the elements, but does not specifically disclose that the image data for storage on the storage medium is in an extensible and open data format. The Office Action then concludes that it would have been obvious to use an extensible or open format as disclosed in Rodriguez with the system disclosed by Thiel to arrive at the claimed invention. For the following reasons, Applicants respectfully disagree.

Besides the fact that Thiel is directed to a CT system (see previous arguments), Thiel does not address the format of the stored data, but merely that it capable of storing data. Consequently, Thiel does not provide motivation for the claimed invention and cannot be used in the manner used in the Office Action to reject the claims.

The Examiner has impermissibly used hindsight to combine references in the absence of motivation contained within the references. Extensible and open formatted data may be part of today's knowledge base, however it was not well known in the art at the time of the invention. It is not addressed nor disclosed in Thiel. Furthermore open and extensible formats were not known in the field of diagnostic imaging, and, in fact,

could not be implemented on the systems available at the time. As stated in the Background of the Invention, DICOM was the solution adopted by the industry; however, DICOM had its own shortcomings. It did not provide the desired compatibility and ease of use desired by the industry. Nothing in the cited references provides an answer to this issue. There simply is no motivation cited in the references. Consequently, a *prima facie* case of obviousness has not been established and reconsideration of this rejection is respectfully requested.


Independent claim 10 has been amended to depend from claim 1. Independent claims 12 and 17, and their respective dependent claims have been cancelled. As such, the remaining rejections need not be addressed.

New claims 23-27 have been added in this Amendment. Claims 23 and 26 recite that new user data format requirements are incorporated without requiring a manufacturer's proprietary image format conversion routine. None of the cited references teach this element, and consequently Applicants believe that these new claims are allowable over the cited references.

For the foregoing reasons, Applicants submit that this application is now in condition for allowance. The Examiner is encouraged to contact the undersigned if such contact would facilitate the prosecution of this application. Please charge any deficiency or credit any overpayment to our Deposit Account No. 14-1270.

Respectfully submitted,

Date: 6/13/06



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